

ship and approved Change Applications on any rights in said Determination which have occurred since the Determination was published by the State Engineer; the Court further reserves the right to correct typographical errors which may have occurred in the preparation of said Determination. Provided, however, the claims which are included in said Proposed Determination for the United States of America or any agencies thereof are listed for information purposes only, since the United States has not been made a party to this action.

V
ISSUES TO BE TRIED

1. LEO L. WILSON

A. Leo L. Wilson claims that the priority date for Water User's Claims Nos. 2 and 1226 is incorrect, and asserts that said Claims should have a priority date of September 12, 1908, which is the date the application said Claims are based upon was filed. The State Engineer admits that said Application was filed on September 12, 1908, but alleges that the Application (No. 2074) was properly lapsed and subsequently reinstated on June 3, 1914, by protestant's predecessor. This latter priority date has been carried forward and incorporated into Certificate of Appropriation No. 363, which was issued June 7, 1916. Protestant asserts that the lapsing of Application No. 2074 was improper, and that this Court should reinstate said Application with its original priority date. The State Engineer asserts that if protestant's predecessors were dissatisfied with the State Engineer's decision lapsing said Application, they were required to appeal that decision within sixty days of its issuance (§§73-3-14 & 15, Utah Code Annotated 1953, as amended), and that this Court is without jurisdiction to review this question some sixty-one years after the decision lapsing the Application was made.

B. Leo L. Wilson also asserts that he is entitled to irrigate 97.34 acres of land by virtue of his proportionate ownership of Certificate No. 363. The State Engineer asserts that the max-